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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1962

No. 586

WILLIAM JACKSON, JR.,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

BRIEF FOR THE PETITIONER

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To the Honorable Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

William Jackson, Jr., Petitioner herein, by his attorneys, prays that the decision of the Court of Claims in the above case be reversed.

Opinion Below

The opinion of the Court of Claims (R. 112) granting Respondent's motion for summary judgment is reported at 297 F. 2nd 939 (1962).

Jurisdiction

Petitioner brought this action for relief in the Court of Claims pursuant to 28 U.S.C. §1491. Petitioner requested the Court of Claims to reconsider its opinion rendered January 12, 1962. The Court of Claims denied reconsideration

on April 4, 1962. The Petition for a Writ of Certiorari was timely filed; and was granted on November 13, 1962, 371 U.S. 900 (1962) (R. 71). The jurisdiction of the Court rests upon 28 U.S.C. §1255(1).

Questions Presented

1. Whether Air Force Regulation 39-22 under which Petitioner was discharged from the Air Force was applied in an unreasonable and arbitrary manner inasmuch as a vacated state court conviction was the sole basis for his discharge, and thus Petitioner's rights under the 1st, 5th and 6th Amendments to the Constitution of the United States were abridged?

2. Whether the action of the Secretary of the Air Force in denying the application of Petitioner for reinstatement was arbitrary and capricious and resulted in a denial of the rights of Petitioner under the 1st, 5th and 6th Amendments to the Constitution of the United States?

3. Whether the action of the Secretary of the Air Force in refusing to reinstate Petitioner in the Air Force after the state conviction was vacated was in violation of the 1st Amendment to the Constitution of the United States?

Regulations Involved

Air Force Regulation 39-22 promulgated on September 23, 1953:

> "Sec. 5. *Upon Conviction of Offenses Punishable by Death or Imprisonment for More than One Year.* Except as provided in (b) below, the general policy will be to discharge an airman with an undesirable dis-

charge under this Regulation where the airman has been convicted by civil court of an offense punishable by death or imprisonment for more than 1 year. Consent of airman to such discharge or recourse to board proceedings is unnecessary, except as provided in (a) below. This policy does not apply to an airman who has been adjudged a wayward minor, youthful offender, or juvenile delinquent regardless of the offense committed or whether the adjudication constituted a conviction by civil court in the jurisdiction concerned. Disposition of such an airman is covered in paragraph 7.

* * * * *

SEC. 15. MISCELLANEOUS: The following are answers to questions often arising during processing under this Regulation:

(a) The option of discharging an airman under paragraph 5 of this Regulation, due to conviction by civil court, is not a continuous one. For example, where fact of conviction is known to Air Force authorities upon return to military control of an airman subject to discharge under this Regulation, immediate action should be taken to effect discharge or waiver. If the required action is not taken and the airman is continued in the service, although fact of the conviction is known, such continuation in the service may be construed as a constructive waiver. After such automatic waiver, no action may be taken at an unreasonably later date to process airman for discharge due to conviction by civil court" (R. 97).

Statement of the Case

Petitioner re-enlisted in the United States Air Force on December 7, 1955, in the grade of Airman First Class with over four years of prior service (R. 84). He was awarded the Good Conduct Medal on April 10, 1956. He had no record of previous convictions. He was stationed at Altus Air Force Base, Oklahoma (R. 95). On October 30, 1956, an information was filed in the District Court of Jackson County, Oklahoma, charging Petitioner, a Negro, with rape in the second degree of a white female fifteen years of age and on the same day a warrant was issued for his arrest. The trial was initially scheduled for November 19, 1956 but on November 16, 1956, Petitioner was convicted in the District Court of the crime as charged and was sentenced to serve a term of five years confinement in the Oklahoma State Penitentiary (R. 86).

Eight days later, on November 24, 1956, Petitioner was discharged from the United States Air Force under less than honorable conditions (R. 95) and furnished an undesirable discharge certificate,[1] pursuant to the provisions of Air Force Regulation 39-22 (23 September 1953) (R. 97). That regulation provided for administrative discharge of an airman convicted of a felony by a civil court.

Less than a month later, on December 22, 1956, a motion for a new trial was made. The motion was denied on January 8, 1957, by the District Court. On January 9, 1957, Petitioner noted an appeal to the Court of Criminal Appeals of the State of Oklahoma, the highest appellate court

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[1] In its Brief in Opposition to the Granting of the Petition for Certiorari, the Solicitor General stated that at his instance the Secretary of the Air Force had authorized the correction of Petitioner's discharge to an honorable discharge.

of criminal jurisdiction. On September 20, 1957, the Court of Criminal Appeals reversed and vacated the judgment and the sentence, holding that Petitioner had been unconstitutionally deprived of his right to counsel at the trial. *Jackson* v. *State*, 316 P. 2d 213 (1957). On May 6, 1958, the District Court dismissed the proceeding against Petitioner upon the motion of the County Attorney of Jackson County (R. 8).

On June 4, 1958, Bernard D. Craig, Esquire, of Kansas City, Missouri, Attorney for Petitioner, wrote to the Commander of the Altus Air Force Base, Oklahoma, seeking reinstatement of Petitioner in the Air Force, based upon the decision of the Court of Criminal Appeals (R. 110 and Appendix A). No favorable action was taken by the Commander and on November 4, 1958, an application was submitted to the Air Force Board for the Correction of Military Records in Washington, D. C. (R. 4). An amended application was submitted to the Board on February 9, 1959 (R. 9).

Proceedings Below

Administrative Proceedings

A hearing was held by the Board for the Correction of Military Records on September 16, 1959 (R. 18). On April 28, 1960, the Board rendered a decision denying the application of Petitioner (R. 16). That decision was approved by the Secretary of the Air Force (R. 17).

Judicial Proceedings

On October 19, 1960, Petitioner filed a petition in the Court of Claims alleging that Air Force Regulation 39-22 was unreasonable and arbitrary and that the action of the Secretary of the Air Force denying the application was

arbitrary and capricious. Petitioner requested pay from the date of discharge to the date of expiration of his enlistment.

On January 12, 1962, the Court of Claims granted Respondent's motion for summary judgment and denied Petitioner's motion for summary judgment (R. 112). The Court of Claims denied reconsideration on April 4, 1962 (R. 117).

ARGUMENT

A. Introduction

This case raises questions of fundamental importance concerning the rights of Armed Forces personnel, challenging the unconstitutional application of a regulation providing discharge for conviction of a felony when that conviction is subsequently vacated by an appellate court. It also challenges the action of the Secretary of the Air Force in failing to follow his own regulations and in failing to base his decision on substantial evidence. The decision of the Court of Claims below permits the United States to discharge a serviceman because of a civil conviction obtained by state authority through deprivation of his constitutional rights. This is permitted notwithstanding the fact that the State has admitted its unconstitutional conduct and vacated the conviction. It is unreasonable for the United States to permit such action to stand.

This Court, in *Harmon* v. *Brucker*, 355 U.S. 579 (1958), held that the Air Force cannot use evidence of misconduct prior to induction as the basis for an undesirable discharge. If an undesirable discharge for such reasons was invalid, then this regulation as here applied also must be invalid. The right to counsel, which was denied Petitioner, is one which this Court has consistently recognized under the 14th

Amendment to the Constitution. *Johnson* v. *Zerbst*, 304 U.S. 458 (1938); *Chewning* v. *Cunningham*, 368 U.S. 443 (1962).

B. The Stigma of the Undesirable Discharge

Petitioner's 1st Amendment rights were abridged when he was furnished an undesirable discharge and branded as a convicted felon for the past six years. Petitioner has been deprived of various governmental benefits.[*] The "badge of infamy" to which this Court referred in *Wieman* v. *Updegraff*, 344 U.S. 183, 191 (1952), has been imposed. The intangible harms done to Petitioner cannot be measured.

This Court has recognized the fact that such a discharge does result in a stigma attaching to its recipient and has imposed a high standard upon the military services for issuance of such discharges. *Harmon* v. *Brucker*, 355 U.S. 579, 582 (1958); *Beard* v. *Stahr*, 370 U.S. 41, 43 (1962) (Dissenting Opinion). Petitioner at this late date has been offered the right to have his discharge corrected to honorable as a result of the intervention of the Solicitor General with the Department of the Air Force, action tantamount to a confession of error as to that aspect of this case. This does not detract from the fact that he was given and still has an undesirable discharge with which he has been stigmatized for six years.

The United States has now admitted the unfairness of its action toward Petitioner and offers to give him an honorable discharge. This, however, does not detract from the ultimate issue in the case—whether the Air Force was under an obligation to reinstate Petitioner.

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[*] Mustering out payments, 38 U.S.C. §2101; Accumulated Leave, 37 U.S.C. §32; Civil Service Preference, 5 U.S.C. §851; Homestead Preference, 43 U.S.C. §279.

C. AFR 39-22, Under Which Petitioner Was Discharged, Was Unconstitutionally Applied to Petitioner

This regulation under which Petitioner was discharged provided only for the issuance of an undesirable discharge and for no other type or characterization. Although there is a provision for "waiver" at 5(b) of the regulation (R. 100-102), such waiver relates only to whether the serviceman will or will not be discharged and not to the type of discharge.

The Air Force has the power to discharge military personnel under its jurisdiction for various acts which do not result in trial by courts-martial. Air Force Regulation 39-22 provides, *inter alia*, for the administrative discharge of an airman convicted of an offense by civil authorities for which the prescribed punishment is imprisonment for over one year or death. The regulation was then silent on the effect of an appeal and subsequent reversal. The promulgator of the regulation ignored the possibility that a felony conviction might subsequently be reversed or vacated, thus permitting punishment based upon such a vacated conviction.

Recognizing that the regulation was unreasonable, the Secretary of the Air Force promulgated a new Air Force Regulation 39-22 on April 14, 1959, in which the following language was inserted:

> "It will be the general policy to withhold the execution of an approved discharge pending outcome of the appeal. In the event the appeal results in the conviction being set aside the airman will not be discharged under this regulation . . ."

Petitioner contends that this new version of the regulation no more than states the obvious, that a man should not be given an undesirable discharge, or in fact be discharged

at all, for a vacated conviction. What was made explicit in the April 14, 1959, regulation was constitutionally implicit in the earlier regulation under which Petitioner was discharged. However, even the amended regulation does not resolve the issue of whether the Air Force could base its action upon a vacated state conviction.

The Air Force has broad administrative powers to discharge its personnel. This authority was provided (10 U.S.C. 8811) by Congress "in the general interest of sound and reasonable personnel management and policy" for the Armed Forces. S. Rept. 1268, 80th Congress, 2nd Sess., p. 7 (1948). Various regulations have been promulgated pursuant to that authority through which the Air Force can discharge its personnel for misconduct, but these regulations were not invoked in this proceeding and in fact there was no basis for invoking them. Instead, the Air Force proceeded solely on the single issue of conviction by civil authorities. To permit the discharge to stand after the Air Force has so proceeded and after the conviction has been vacated results in a denial of the 1st Amendment rights of Petitioner. AFR 39-22 as applied to Petitioner was unconstitutional.

D. AFR 39-22, Under Which Petitioner Was Discharged, Was Unconstitutional in That It Did Not Afford Petitioner the Right to Confront and Cross-Examine His Accusers

Petitioner was denied the right to confront and cross-examine his accusers. The Court of Appeals of the District of Columbia has held that confrontation and cross-examination are prerogatives for the granting of discharges under less than honorable conditions. *Bland* v. *Connally*, 293 F. 2d 852 (1961); *Davis* v. *Stahr*, 293 F. 2d 860 (1961). The regulation pursuant to which Petitioner was discharged pro-

vided that an airman convicted of an offense punishable by death or imprisonment for more than one year would be discharged with an undesirable discharge and that "consent of airman to such discharge or recourse to broad proceedings is unnecessary, except as provided in (a) below" (R. 99). Subsection (a) was limited in its applicability to members of reserve components on extended active duty under certain circumstances. Those persons must either sign a waiver or they are afforded the right to appear before a board of officers.

Such an opportunity was not afforded Petitioner, who was a member of the regular and not a member of the reserve forces. Thus the regulation did not permit a hearing to afford the rights of cross-examination and confrontation as required by the Constitution nor in fact was one afforded to Petitioner. Cf. *Clackum* v. *U.S.*, 296 F. 2d 226 (1960).

E. Arbitrary and Capricious Action

1. *The Air Force Did Not Follow the Requirements of Its Own Regulations*

By not reinstating Petitioner, the Air Force has proceeded contrary to its own regulations because the conviction was the only basis upon which it could have discharged Petitioner. Petitioner contends that the Air Force is bound by its own regulations. *Service* v. *Dulles*, 354 U.S. 363 (1957). The Air Force elected to proceed pursuant to AFR 39-22 and not another regulation. Thus, it is bound by that regulation. AFR 39-22 provided only that Petitioner could be discharged with an undesirable discharge for conviction of a felony. The conviction for which Petitioner was discharged was reversed and vacated because Petitioner's constitutional right to counsel was denied him. Therefore, Petitioner should have been reinstated when he

requested it on June 4, 1958 (Appendix A). The Air Force did not follow the constitutionally implicit requirement that the Petitioner be reinstated once the conviction for which he was discharged was vacated.

2. *The Board for the Correction of Military Records Did Not Rely on Substantial Evidence*

The action of the Secretary approving the decision of the Air Force Board for the Correction of Military Records was arbitrary and capricious. The approval ignored the legal effect of the decision of the Court of Criminal Appeals of Oklahoma in vacating the conviction and the subsequent dismissal by the trial court. The Board based its decision neither on law nor substantial evidence.

The sole basis for Petitioner's discharge was the fact that he had been convicted of a felony by civil authorities. The action of the Air Force was based, and could only be based under the regulation, on a conviction and not on proof of an act which Petitioner might have done which led to that conviction. There was no ancillary hearing where independent evidence of an offense was produced. The Board for the Correction of Military Records sought to read into the regulation the power to hold such a hearing when it held a hearing at the administrative appellate level to try him for an offense under the laws of Oklahoma. It sought to do what could not have been done at the command level and certainly could not be done at the appellate level.

In view of the nature of the proceeding by which Petitioner was discharged and the applicable regulation, the only issue for Board consideration was whether Petitioner had been convicted and the effect of the decision of the Court of Criminal Appeals. Petitioner contends that the Air Force was under an obligation to reinstate him upon

reversal and vacation of conviction by the Court of Criminal Appeals of Oklahoma when he had been discharged pursuant to a regulation which authorized discharge only for that one reason—criminal conviction by a civil court. Failure to rely upon substantial evidence and failure to follow his own regulations by failure to order reinstatement rendered the decision of the Secretary arbitrary and capricious.

F. Alleged Waiver of Rights of the Air Force

The opinion of the Court below states that the Air Force could not have continued Petitioner in the service, for to do so, under §15 of the Air Force Regulation 39-22, *supra*, could have resulted in a waiver of the rights of the Air Force to discharge. The Court below thus permitted the Air Force by regulation to tie its hands and justify hasty action. In fact, even that regulation does not require such hasty action inasmuch as it only provides that no action may be taken after an unreasonable period of time. Surely a delay of the discharge until the time to note an appeal had passed would not be unreasonable. Petitioner moved for a new trial within thirty days, which surely was not an unreasonable period of time.

Petitioner contends that, notwithstanding the fact that AFR 39-22 did not then provide for the contingency of a reversal on appeal and indicated a policy of immediate discharge of the serviceman upon conviction, the Air Force was obligated to reinstate him upon vacation of this conviction by an appellate court.

G. The Present Policy in the Department of Defense

This Court should take cognizance of the fact that the United States Navy still follows essentially the same regulation in effect in the Air Force at the time of Petitioner's discharge (Appendix B). In that regulation, the Navy states that "an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed." Thus, the problem is a continuing one and will be so as long as any military service follows the same policies as the Air Force did in the instant case. Department of Defense Directive #1332.14 dated January 14, 1959, on the subject of Administrative Discharges, which is presently in effect, provides that,

> "... an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed" (Appendix C).

One might add: "Or even though the conviction is subsequently set aside on constitutional grounds." Department of Defense policy attempts to do what a court cannot do—"consider" a man a felon when he is not a felon. Military personnel are not second class citizens. A man is either "convicted" constitutionally or not. Constitutionally there can be no such thing as that category of inferior citizens who "shall be considered as having been convicted".

H. Notice to the Air Force of Intent to Appeal

Petitioner has attached to this brief an affidavit from Amos T. Hall, Esquire, of Tulsa, Oklahoma, who was Petitioner's attorney during the proceedings in Jackson County, Oklahoma (Appendix D). In Mr. Hall's affidavit of December 1, 1961, Mr. Hall states that "On or about November

19, 1956, he contacted the Office of the Judge Advocate of the Altus Air Force Base at Altus, Oklahoma and advised them that he was going to file a motion for a new trial and take an appeal on behalf of William Jackson, Jr." This was approximately three days after the conviction by the Oklahoma District Court and five days before Petitioner was discharged. Mr. Hall also states that he asked the Judge Advocate at Altus AFB to withhold Petitioner's discharge. If Respondent now contends that the issue of notice is important, which Petitioner does not concede, then the notice afforded by Counsel for Petitioner at this early stage of the proceedings should have been sufficient to have placed the Air Force on notice of Petitioner's intent to appeal from the decision of the trial court.

I. Summary

The history of this case from the day the information was filed against Petitioner is a series of grievous errors, refusals to admit error and belated compulsory corrections of error. A conviction unconstitutionally obtained was not set aside until an appellate court directed it be set aside. The information precipitously filed was not dismissed until a prosecutor was forced to proceed according to constitutional standards. A discharge characterized undesirable was not changed to honorable until this Court granted a writ of certiorari. Now there remains only one obstacle in the path of vindication and justice, for the Air Force has demonstrated it will not grant back pay and reinstatement as compensation for an illegal discharge until this Court forces it so to do.

This Court would not permit the United States Government to base a discharge upon unconstitutional state action if Petitioner had been discharged for violation of an un-

constitutional state statute prohibiting a Negro from eating in a state-owned restaurant facility. So likewise, if Petitioner had been convicted as a result of other unconstitutional state action, this Court would not permit a discharge to stand. Here, the State has proceeded in an unconstitutional manner depriving Petitioner of his right to counsel, a basic right guaranteed by the Constitution. The State has admitted its unconstitutional action. The Air Force at the insistence of the Solicitor General has partially admitted its error.

Yet the decision of the Court below sanctions unconstitutional state action as the sole basis for Federal action. Thus, the Federal Government would be permitted to deprive Petitioner of his rights under the 1st, 5th and 6th Amendments, which the State was not permitted to do. From whatever source the deprivation, Petitioner's rights are inviolate, and that deprivation must be struck down.

CONCLUSION

The judgment below should be reversed and summary judgment entered in favor of Petitioner.

Respectfully submitted,

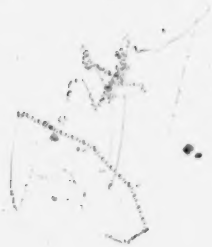
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APPENDICES



APPENDIX A

June 4, 1958

United States Air Force
Altus Air Force Base
Altus, Oklahoma

Attention: Commanding General
Re: William Jackson, Jr. AF 18 384 622 A 1C (P)

Honorable Sir:

The above was given a discharge under other than honorable conditions, DDForm 258AF, on November 24, 1956, by reason of conviction of Civil Court AFR 39-22 (ADX-284).

Subsequently this case was reviewed by the Supreme Court of the State of Oklahoma and the conviction set aside and the case remanded to the District Court for a new trial. Thereafter the case against the above was dismissed for the reason that the facts and evidence were not sufficient to prove the defendant guilty and did not form a sufficient basis for a conviction.

Mr. Jackson now desires to make application for a revocation of his discharge and for reinstatement in the Air Force with back pay to be allowed him since the date of his discharge.

This letter is being directed to you as the discharge originated from your command, and I would appreciate your forwarding any documents necessary for Mr. Jackson to sign and file with you to petition for a revocation of the discharge and reinstatement in the Air Force with back pay.

Very truly yours,

BERNARD D. CRAIG

BDC:fb

APPENDIX B

BUREAU OF NAVAL PERSONNEL MANUAL PART C

C-10312. *Discharge of Enlisted Personnel by Reason of Misconduct*

(1) . . .

(2) The Chief of Naval Personnel may direct the discharge of an enlisted person for misconduct in any of the following cases:

(a) Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the UCMJ is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor or youthful offender as a result of an offense involving moral turpitude. If the offense is not listed in the MCM Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies. For the purpose of this subparagraph only, an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed.

APPENDIX C

Jan 14, 59
1332.14
ASD (MP & R)

DEPARTMENT OF DEFENSE DIRECTIVE

Subject: Administrative Discharges

• • • • •

J. *Misconduct.* Discharge by reason of misconduct, with an Undesirable discharge, unless the particular circumstances in a given case warrant a general or honorable discharge, when one or more of the following conditions have been determined:

1. Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty of an offense for which the maximum penalty under the UCMJ is death or confinement in excess of one year; or which involves moral turpitude; or where the offender is adjudged a juvenile delinquent, wayward minor, or youthful offender as a result of an offense involving moral turpitude. If the offense is not listed in the MCM Table of Maximum Punishments or is not closely related to an offense listed therein, the maximum punishments authorized by the U.S. Code or the District of Columbia Code, whichever is lesser, applies. For the purpose of this subparagraph only, an individual shall be considered as having been convicted even though an appeal is pending or is subsequently filed.

2. Procurement of a fraudulent enlistment, induction or period of obligated service through any deliberate material misrepresentation or concealment which, except for such misrepresentation or concealment, may have resulted in rejection.

3. Prolonged unauthorized absence. When unauthorized continuous absence of one year or more has been established but punitive discharge has not been authorized by competent authority.

• • • • •

APPENDIX D

AFFIDAVIT

STATE OF OKLAHOMA,
COUNTY OF TULSA, ss.:

Amos T. Hall, of lawful age, after being duly sworn on his oath, states that he is an attorney at law, licensed to practice in the State of Oklahoma, with offices at 121 North Greenwood in the City of Tulsa, Oklahoma; that he was attorney for William Jackson, Jr. at the time William Jackson, Jr. was discharged from the United States Air Force on or about November 24, 1956, under less than honorable conditions and given an undesirable discharge certificate for the reason that said William Jackson, Jr. had been convicted by a civil court of the crime of rape; that this affiant appealed said case to the Court of Criminal Appeals of the State of Oklahoma, which resulted in the conviction being reversed and vacated for the reason that William Jackson, Jr. was unconstitutionally deprived of his right of counsel at the time of trial, which case was reported as *Jackson* v. *State*, 316 P. 2d 213; that at the time the trial or purported trial of William Jackson, Jr., took place in the District Court of Jackson County, Oklahoma, the case had been set for trial on November 19, 1956, but for some reason unknown to this affiant, the said William Jackson, Jr. was brought before the court prior thereto on November 16, 1956, without this affiant being present, and said William Jackson, Jr. was found guilty and sentenced to five years in the penitentiary; that when this affiant did arrive in Altus, Oklahoma, in the District Court of Jackson County, Oklahoma, and learned of what had taken place, he immediately decided to file a motion for new trial, and at that time on or about November 19, 1956, he contacted the office of the Judge Advocate of the Altus Air Force Base at Altus, Oklahoma, and advised them that he was going to file a motion for new trial and take an appeal on behalf of William Jackson, Jr., and upon being advised that William Jackson, Jr. was going to be discharged, he asked

them to withhold discharging William Jackson, Jr. for the reason that he was going to file this motion for new trial and take this appeal, if necessary; that this affiant does not recall the name or names of the persons he talked to at the office of the Judge Advocate at the Altus Air Force Base at Altus, Oklahoma, but he recalls distinctly that he did contact them and did talk to one or more men in that office and stated that he was going to file a motion for new trial and take an appeal for William Jackson, Jr. and asked them to hold up on any contemplated discharge of William Jackson, Jr. until after ruling had been obtained on the motion for new trial or, if it were overruled, on the appeal which he told them was going to be filed; that the facts set forth in this affidavit are true and correct to the best knowledge, information and belief of this affiant.

Dated at Tulsa, Oklahoma this 1st day of December, 1961.

(signed) Amos T. Hall
Affiant

Subscribed and sworn to before me this 1st day of December, 1961.

(signed) Orissa L. Woods
Notary Public

My Commission Expires: Sept. 23, 1962.